IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.902 OF 2003

The State of Maharashtra ...Appellant.

v/s

1. Shriram Laxman Kale
and Ors. ...Respondents.

Mr. A.M. Shringarpure, APP for the appellant - State.

CORAM: V.M.KANADE,J.

DATE: 15TH SEPTEMBER, 2004

PC:.

1. Heard the learned APP for the State.

2. Appellant - State has preferred this appeal challenging the Judgment and Order passed by the Judicial Magistrate, First Class, Malegaon, District Nashik in Summary Criminal Case No.428 of 1996 dated 7/4/2003.

3. The respondents - accused were charged under section 451, 323, 504 read with 34 of the Indian Penal Code. The Trial Court, after going through the evidence on record has given a finding that so far as P.W. 1 - Baban Rajaram Shinde is concerned, he has not correctly stated the names of accused Nos. 3 & 4.

Further, no statement has been made as to what the accused had stated and the manner in which they abused and threatened the complainant. The Trial Court further observed that the Medical Certificate is also not produced by the prosecution. The Trial Court has further observed that there is a delay in recording the statement of P.W. 2 Dnyaneshawar Rajaram Shinde which was not explained by the prosecution and that testimony of P.W.2 is not corroborated by any other witnesses. Finding given by the Trial Court, therefore, cannot be said to be perverse. Leave is therefore refused. Appeal is rejected.

V.M. KANADE, J.